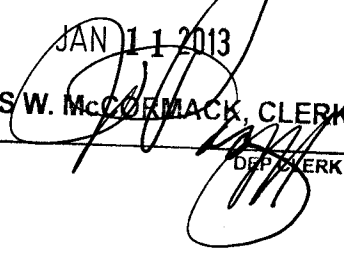


FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

JAN 11 2013

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JAMES W. MCCORMACK, CLERK
By:  DEPT. CLERK

CYNTHIA D'ABADIE

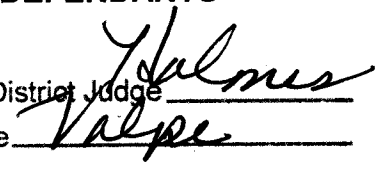
PLAINTIFF

VS.

CASE NO. 4:13cv17 JLH

OFFICERS BRAD HICKS, JIM KANE, ERIC STRICKLIN,
CHRIS CARTER, TOM LISH, AND HAROLD MARABLE,
ALL INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITIES

DEFENDANTS

COMPLAINTThis case assigned to District Judge JURISDICTION and to Magistrate Judge 

Comes now the Plaintiff, Cynthia D'Abadie, by and through her attorney, Floyd A. Healy, and for her Complaint against the six named individual, state:

1. This action is brought pursuant to 42 U.S.C § 1983. Jurisdiction is based upon 28 U.S.C. §§1331 and 1343 (1), (3), (4) and the aforementioned statutory provision. Plaintiff further invokes the pendent jurisdiction of this Court to hear and decide claims arising under the laws of the State of Arkansas.

PARTIES

2. Plaintiff is a resident of Saline County, Arkansas.

3. That all Defendants are and were at all times relevant to this action officers of Saline County Sheriff's Department acting under color of state law. All individuals are being sued in both their individual and official capacities.

CAUSE OF ACTION

4. On or about January 14, 2012, at approximately 10:30 p.m., the Plaintiff was at her residence located at 2351 David Street. As she was preparing for bed, Plaintiff

noticed a large number of Saline County Sheriff's cars gathering in her front yard and went outside to check on the reason the deputy sheriffs officers were gathering in her front yard.

5. As she approached the various Defendants, the Plaintiff identified herself as the home owner of the property and inquired as to what they were doing in her yard.

6. That in order to protect herself because of the repeated harassment by Saline County Sheriff's Office, Plaintiff was video taping the entire incident via her cell phone.

7. That as the Plaintiff approached separate Defendant Deputy Jim Kane, Dep. Kane attempted to push the Plaintiff's phone from her face.

8. Although she had not been told what the deputy sheriffs were doing in her yard, Plaintiff turned to go back into her residence. Suddenly and without warning, she was grabbed by separate Defendants Hicks and Dep. Carter and was slammed to the ground and handcuffed.

9. That the aforementioned incident was witnessed by the remaining Defendants who stood idly while these deputy sheriffs took the Plaintiff to the ground. It should be noted that the Plaintiff is 5'7 and weighs approximately 135 pounds. At the time of the incident, she was wearing her night gown.

10. As a result of the take-down and the subsequent conduct by separate Defendants Hicks and Carter, Plaintiff sustained personal injury for which she is now seeking compensation.

11. At no time prior to Plaintiff's take-down was she disorderly. At no time prior to her takedown had Plaintiff committed any type of crime, felony or misdemeanor, and was simply inquiring as to why the six deputy sheriffs were in her yard.

12. At no time did the Plaintiff commit any offense against the laws of the State of Arkansas for which Plaintiff may have been lawfully arrested. At no time did the Plaintiff strike, attempt to strike or intend to strike any of the defendant deputy sheriffs or any other individuals in the area. At no time did the Plaintiff harass, threaten, resist arrest in any way, commit any illegal acts, or engage in any conduct which in any way justified the actions of the deputy sheriffs in this matter.

13. The false criminal charges against the Plaintiff and the Plaintiff's wrongful imprisonment, because of the Defendants' knowledge of a lack of any legitimate cause or justification were intentional, malicious, reckless and in bad faith.

14. The actions of the Defendants acting under color of state law, deprived Plaintiff of her rights, privileges, and immunities under the laws of the Constitution of the United States, in particularly, the right to be secure in her person and property, to be free from excessive use of force and from malicious prosecution, and to due process.

PENDENT STATE COURT CAUSES OF ACTION

15. Plaintiff hereby re-alleges and re-asserts all allegations set for above.

16. The acts and conduct of the Defendants alleged in the above cause of action constitute assault and battery, false arrest, false imprisonment, malicious prosecution, intentional infliction of emotional distress, outrageous conduct, invasion of privacy, negligence, and gross negligence. This Court has pendent jurisdiction to hear and adjudicate said claims.

WHEREFORE, Plaintiff requests and prays for the following relief: compensatory damages in the amount of \$50,000.00, punitive damages in the amount \$250,000.00, reasonable attorney's fees and costs, and such other further relief as may be deemed

appropriate

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By: 

Floyd A. Healy, Bar No. 86086